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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,401	10/16/2003	Naomi L. Nakao	G30-011	8611
7590	05/27/2005		EXAMINER	
R. Neil Sudol 714 Colorado Avenue Bridgeport, CT 06605-1601			FLANAGAN, BEVERLY MEINDL	
			ART UNIT	PAPER NUMBER
			3739	
DATE MAILED: 05/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/687,401	NAKAO, NAOMI L.
	<b>Examiner</b>	<b>Art Unit</b>
	Beverly M. Flanagan	3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,6-10,14-21 and 25-29 is/are rejected.
- 7) Claim(s) 3-5, 11-13 and 22-24 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

BEVERLY M. FLANAGAN  
PRIMARY EXAMINER

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Entry of Amendment***

The amendment filed March 9, 2005 has been entered and made of record.

### ***Previously Set Forth Rejections***

The 35 U.S.C. § 102(b) rejection of claims 1-7, 9-15 and 17-31 as being anticipated by Matsui et al. (U.S. Patent No. 6,352,503) is hereby *withdrawn*. The 35 U.S.C. § 103(a) rejection of claims 8 and 16 as being unpatentable over Matsui et al. (U.S. Patent No. 6,352,503) in view of Adair (U.S. Patent No. 5,630,782) is hereby *withdrawn*.

**The following new grounds of rejection are set forth:**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 9, 10, 14, 15, 17-21 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoon (U.S. Patent No. 6,066,090).

**In regard to claims 1, 7, 14 and 15**, Yoon teaches a two-branch endoscope 42 having a first endoscope branch 44 and a second endoscope branch 46 where each

branch is separably steerable (see Figures 3 and 4 and col. 5, lines 28-30). Figure 4 shows that the endoscope 42 is clearly split longitudinally into the first branch 44 and the second branch 46. The two branches 44 and 46 are substantially circular in shape and first branch 44 includes an illumination source 54a, an image receiver 56a and an operating channel 58a while second branch 46 includes an illumination source 54b, an image receiver 56b and an operating channel 58b. **In regard to claim 2**, Yoon teaches an alternate embodiment of an endoscope system 10 having first, second and third endoscope branches 14, 16 and 18, where each branch includes an illumination source 34 and an image receiver 36 (see Figures 1 and 2). **In regard to claims 9, 17 and 18**, Yoon teaches an alternate embodiment having a proximal end of hand piece 180 including a first steering control where and a second steering control where 184 for steering the branch ends (see Figure 9). **In regard to claims 10 and 19**, see Figure 1 and col. 4, lines 27-40. **In regard to claim 20**, see Figure 4. **In regard to claims 21 and 25-29**, see col. 6, lines 35-67 and col. 7, lines 1-55. **In regard to claim 6**, see col. 8, lines 38-60 where Yoon teaches that only endoscope branch 46 is provided with a CMOS image sensor 250.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon (U.S. Patent No. 6,066,090) in view of Adair (U.S. Patent No. 5,630,782).

**In regard to claims 8 and 16,** Yoon is silent as to the two branches 44 and 46 having a plurality of operating channels 58a and 58b. However, Adair discloses a similar endoscope with a separable channel section S having a plurality of channels 22, 24 and 26 for different functions (see Figure 2 and col. 5, lines 10-35). Adair thus demonstrates that providing an endoscope with a plurality of channels is well known in the art, where the ability to equip the endoscope with different functions is desired. Accordingly, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the two branches 44 and 46 of Yoon with a plurality of operation channels 58a and 58b, in the manner disclosed by Adair, in the interest of equipping the branches 44 and 46 with a plurality of functions.

#### ***Allowable Subject Matter***

Claims 3-5, 11-13 and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beverly M. Flanagan whose telephone number is (571) 272-4766. The examiner can normally be reached on Mondays, Wednesdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Beverly M. Flanagan  
Primary Examiner  
Art Unit 3739

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